

OCT 30 2009

ANDREW S. NEELY
 MARK S. GRAHAM
 ROBERT O. FOX
 DAVID E. LAROSE
 GEOFFREY D. KRESSIN
 AUGUST E. ROENIG, JR.
 RICHARD W. BARNES, JR.
 MARK P. CROCKETT
 J. DAVID GONCE
 JULIE A. BIRDWELL
 MICHAEL J. BRADFORD
 PATRICK B. HORNE
 LEAH ROBINSON
 MICHAEL E. ROBINSON

FRED THOMSEN
 Of Counsel

LUEDEKA, NEELY & GRAHAM
 A PROFESSIONAL CORPORATION
 ATTORNEYS AT LAW

P.O. BOX 1871
 KNOXVILLE, TENNESSEE 37901-1871

PHONE (865) 546-4305
 FACSIMILE (865) 523-4478
 E-MAIL: firm@LNG-patent.com

INTELLECTUAL PROPERTY LAW
 INCLUDING PATENTS,
 TRADEMARKS, COPYRIGHTS,
 TRADE SECRETS,
 TECHNOLOGY LICENSING
 AND RELATED LITIGATION

SHIPPING ADDRESS:
 SUITE 1871, RIVERVIEW TOWER
 900 SOUTH GAY STREET
 KNOXVILLE, TENNESSEE 37902

October 30, 2009
FACSIMILE TRANSMITTAL

TO: Examiner Sandra Wegert Fax # 571-273-8300
 FROM: Mark Graham, Esq., Reg. No. 32,355 (Laura Luethke, Administrative Assistant)
 re: Process for the Purification of Recombinant Polypeptides
 U.S. Application No. 10/568,332 filed 02/13/2006;
 Applicant: Gunter Stempfer/ Confirmation No. 6279;
 Sandoz Docket No. BP/G-33315A/BCK (LNG File No. 61310.US)
 cc: Mark Bowditch, Esq.
 Rashida Haji
 J. David Gonce, Esq.
 Ed LaRose

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE, 2

Dear Examiner Wegert:

As you may recall, Ed LaRose of our office called you September 17, 2009, regarding the above-referenced case to inform you of an apparent error in the Office Action of May 1, 2009, and to inquire as to whether a new action would need to be issued (See our correspondence of September 24, 2009). As we understand it, you concurred with Mr. LaRose's assessment and you informed Mr. LaRose that, due to this inadvertent error, the USPTO has determined to officially withdraw the Final Office Action of May 1, 2009, and issue a new Non-Final Office Action.

We have repeatedly checked PAIR since our correspondence of September 24 and still do not find that a new Non-Final Office Action has been entered; however, I understand from your message left with my assistant Laura Luethke on October 28 that a new Office Action had been approved and was in fact issued on October 21, and that you would check to see why the Office

Examiner Wegert
October 30, 2009
Page 2

Action had not as yet been scanned into PAIR and dispatched to us.

Of course, we are concerned given the passage of time and the implications for the fate of this important case. We are eager to see the new action in the hope that any remaining issues can be expeditiously resolved so the case can be advanced to allowance and issue.

Accordingly, please be kind enough to confirm our understanding from your telephone message left on Ms. Luethke's recorder that the office action of May 1, 2009, has been officially withdrawn and that this case will receive (or has received) a new non-final action, and that we need not concern ourselves further with attempts to respond to the action of May 1. If you have any questions or would like to speak with us about this case, please feel free to call me at (865) 546-4305. Otherwise, we look forward to hearing from you soon.

Best regards.

Mark Graham

CONFIDENTIALITY NOTICE

The information contained in this facsimile message is privileged and confidential information intended for the use of the addressee listed above. If you have received this teletype in error, please immediately notify us by telephone to arrange for return of the original documents to us.